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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,226	12/11/2000	Shingo Kage	56937-019	6525

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EXAMINER

CHEN, TIANJIE

ART UNIT

PAPER NUMBER

2652

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,226

Applicant(s)

KAGE ET AL.

Examiner

Tianjie Chen

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☒ Claim(s) 1-7 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2652

Non-Final Rejection

Election/Restrictions

1. Applicant's election without traverse of Group III, claims 1, 6, and 7 in Paper No. 6 filed 03/19/2003 is acknowledged.

Drawings

2. Figures 13-18 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al (US 5,036,509).

With regard to claim 1, Kobayashi et al shows a disc player including: a roller 9b (Fig. 2, column 3, line 45) for transporting a disc; a disc guide 12 (Fig. 4; column 3, lines 50-53), provided opposite to the roller 9b along a disc transportation direction,

Art Unit: 2652

for guiding the disc being transported; a disc selecting lever 34 provided at each end along the direction perpendicular to the disc transportation direction, of which center portion along the disc transportation direction is oscillatably journaled about an axis 130-130 along the direction perpendicular to the disc transportation direction (Fig. 6); projecting portions (both sides of recess 35) provided at each both ends of the disc selecting lever along the disc transportation direction so as to project toward the disc side, both of which the projecting portions abut on the disc; to push down the disc when a large-diameter disc is transported, whereas both or at least one of which projecting portions does not abut on the disc when a small-diameter disc is transported (Figs. 6, 8, and 9; column 7, lines 16-28); a large-diameter latch member 41 (Fig. 11) for receiving and latching the large-diameter disc having reached a terminal end of transportation after being pushed down by the projecting portions; and a small-diameter latch member 38 (Fig. 11) for receiving and latching the small-diameter disc having reached a terminal end of transportation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kabayashi et al in view of Sato et al (US 6,392,980).

With regard to claim 6, Kabayashi et al shows a disc player further including: a turn table 29 (Fig. 12) on which the disc transported by the roller is placed, for

allowing rotating operation of the disc; a clamper arm 32 journaled so as to capable of oscillating; a clamper holding plate (Triangular end portion (Column 4, lines 58-62) provided on the oscillating distal end side of the clamper arm 32; a clamper 31 rotatably supported on the clamper arm via the clamper holding plate, which clamper separates from the turn table during transportation of the disc in accordance with oscillating operation of the clamper arm, whereas presses the disc against the turn table when the disc is placed on the turn table; the turn table being provided with a disc supporting portion for supporting the disc.

Kabayashi et al does not show a projecting portion provided inwardly in the radial direction from the disc supporting portion, to be fitted into a center hole of the disc; and a clamper engagement portion provided inwardly in the radial.

Sato shows a disc player, wherein a clamper 11 in Fig. 3B rotatably supported on the clamper holding plate (Fig. 2A), the turn table 8 being provided with a disc supporting portion for supporting the disc (Fig. 2B), a projecting portion 8A provided inwardly in the radial direction from the disc supporting portion, to be fitted into a center hole of the disc; and a clamper engagement portion (the recess near 8a) provided inwardly in the radial direction from the projecting portion 8a, performing advancing/retracting operation along the axial direction of the turn table, the clamper 11 being provided with a turn table engagement portion 11a to be engaged with the clamper engagement portion (the recess) having performed advancing operation.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to add the clamper taught by Sato et al into Kabayashi et al's device. The rationale is as follows: Kabayashi et al teaches a device with a clamper, but fail to show the structure of the clamper. Sato teaches a clamper, which is

conventionally used in disk player in the art (Column 11, lines 18-21). One of ordinary skill in the art would have been motivated by Sato et al's teaching to conveniently use the clamper to making the device workable.

Allowable Subject Matter

6. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

- The following is a statement of reasons for the indication of allowable subject matter: as the closest reference, a combination of Kabayashi et al (US 5,036,509) and Sato et al (US 6,392,980) shows a disc player having a clamper and disk supporting portion with a clamper engagement portion, but fails to show the clamper engaging portion has: an operation lever with one end portion projecting above the disc supporting portion, and the other end portion performing advancing/retracting operation with respect to the disc supporting portion in accordance with presence /absence of the pushing operation of the disc with respect to the one end portion; a main body member connected to the other end portion of the operation lever; and energizing means for energizing the other end portion of the operation lever toward the direction separating from the disc supporting portion.
- In this disk player the operation lever is used to cause the advancing and retracting of the clamper (Specification, p. 30, lines 15-21), thus making the disk player having a configuration, which can easily realize low profiling of the entire structure (Specification, p. 5, lines 20-23).

Art Unit: 2652

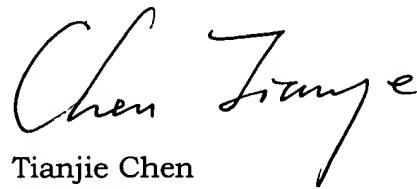
Conclusion

7. The prior art made of record in PTO-92 Form and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is (703) 305-7499. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (703) 305-9687. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-6037 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

A handwritten signature in cursive script, appearing to read "Chen Tianjie".

Tianjie Chen
Examiner
Art Unit 2652

May 30, 2003